

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER G. VALENCIA,

Plaintiff,

v.

DEBORAH SAN JUAN,

Defendant.

Case No. 1:22-cv-00360-JLT-EPG (PC)

ORDER GRANTING DEFENDANT'S
REQUEST TO STRIKE PLAINTIFF'S
DOCUMENT STYLED AS "RESPONSE TO
ATTORNEY GENERALS OFFICE ANSWER
TO UNDISPUTED FACTS, AND
COMPLAINT. RESUBMITTING
COMPLAINT, FACTS."

(ECF No. 30)

Christopher Valencia ("Plaintiff") is a state prisoner proceeding *pro se* in this civil rights action filed pursuant to 42 U.S.C. § 1983. On November 22, 2022, Defendant filed an answer to Plaintiff's complaint. (ECF No. 24). On December 12, 2022, Plaintiff filed a response to the answer. (ECF No. 28). On December 15, 2022, Defendant filed a request to strike the response. (ECF No. 30). Defendant's request is now before this Court.

Defendant argues that Plaintiff's response should be stricken because it is not allowed by Federal Rule of Civil Procedure 7(a).

Pursuant to Rule 7(a), "[o]nly these pleadings are allowed: (1) a complaint; (2) an answer to a complaint; (3) an answer to a counterclaim designated as a counterclaim; (4) an answer to a crossclaim; (5) a third-party complaint; (6) an answer to a third-party complaint; and (7) if the court orders one, a reply to an answer."

1 The Court has not ordered a reply to Defendant's answer, and declines to make such an
2 order. Moreover, Plaintiff's filing does not fit into any other category. Therefore, the Court will
3 grant Defendant's request.

4 Accordingly, Plaintiff's response to Defendants' answer (ECF No. 28), is HEREBY
5 STRICKEN from the record.

6
7 IT IS SO ORDERED.

8 Dated: **December 16, 2022**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE